

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

PATRICK COKAY MURPHY, #91937-083,

Petitioner,

v.

ACTION NO. 2:19cv683

WARDEN J. ANDREWS,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Petitioner Patrick Cokay Murphy, a federal inmate housed at the Petersburg Federal Correctional Complex, alleges that he was denied due process when, following a disciplinary hearing held October 25, 2018, he did not receive the written statement of the disciplinary hearing officer. *Id.* at 2–3, 18, 20.

The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation was filed on April 19, 2021, and recommends dismissal of the petition with prejudice. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.

Accordingly, the Court accepts the findings and recommendations set forth in the Report and Recommendation, and it is **ORDERED** that Respondent's Motion to Dismiss, which was converted into and construed as a Motion for Summary Judgment, ECF No. 11, is **GRANTED**; the petition, ECF No. 1, is **DENIED and DISMISSED with prejudice**. Judgment shall be entered in favor of Respondent.

Mr. Murphy has failed to demonstrate "a substantial showing of the denial of a constitutional right," and no certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure is issued. *See Miller-El v. Cockrell*, 537 U.S. 322, 327, 335–36 (2003).

Because a certificate of appealability is denied, Mr. Murphy may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Mr. Murphy intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty days from the date of this Final Order. Mr. Murphy may seek such a certificate by filing a notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.** The Clerk shall please forward a copy of this final Order to Mr. Patrick Cokay Murphy and to counsel of record for Respondent.

/s/

Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia
June 3, 2021